

CHAPTER 359

H.B. No. 1653

AN ACT

relating to alcoholic beverage distributor's licenses.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 66.08, Alcoholic Beverage Code, is amended to read as follows:

Sec. 66.08. RECORDS. (a) Section 64.04 of this code applies to recordkeeping by branch distributor's licensees.

(b) *The holder of a branch distributor's license may apply to the administrator for permission to maintain required records at the premises of the holder of the general distributor's license for that branch distributor licensee. If, in the judgment of the administrator, the licensee is deemed qualified, the administrator in writing may grant the application. If the administrator denies the application, he shall do so in writing and must base his denial on one of the grounds specified in Section 61.74 of this code or any other valid reason.*

(c) *In making a determination as to the qualifications of the holder of a branch distributor's license to maintain required records at another premises, the administrator shall consider the distributor's past record of compliance with the provisions of*

*this code and the distributor's history of filing timely and correct reports to the commission.*

SECTION 2. Chapter 11, Alcoholic Beverage Code, is amended by adding Section 11.51 to read as follows:

*Sec. 11.51. WHOLESALERS MAY SHARE DELIVERY VEHICLES. Section 64.07 of this code relates to delivery vehicles shared by wholesalers.*

SECTION 3. Section 64.07, Alcoholic Beverage Code, is amended to read as follows:

Sec. 64.07. MAY SHARE PREMISES. (a) Any number of general, local, and branch distributors may use the same *delivery vehicles*, premises, location, or place of business as licensed premises if the beer owned and stored by each of the distributors is segregated.

(b) *If delivery vehicles are shared by any number of distributors who also hold any class of wholesaler's permits, liquor or beer may be transported. The provisions of Section 42.03 of this code do not apply and no distributor or wholesaler shall be required to obtain the certificate or permit described by that section to share a delivery vehicle for the transportation of liquor or beer.*

(c) *The provisions of Subsections (a) and (b) of this section that relate to shared delivery vehicles apply only to those general, local, or branch distributors who hold a territorial designation from a manufacturer under Section 102.51 of this code.*

SECTION 4. Section 66.04, Alcoholic Beverage Code, is amended to read as follows:

Sec. 66.04. PERSONS INELIGIBLE FOR LICENSE. A branch distributor's license may not be issued to a person who holds a package store permit or a wine only package store permit, *or to a person who does not meet the qualifications to be issued an original general distributor's license.*

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 23, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1653 on May 26, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 21, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 11, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.